

ANDERSON SUBSTANCE ABUSE TREATMENT CENTER
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To Whom it May Concern:

I am writing to voice my strong concerns regarding House Bill # 5082. My concerns rest in the following three areas:

1. Potential abuse of power
2. Immunity from civil prosecution.
3. Monetizing conflict resolution.

1. Potential Abuse of Power

Bill #5082 identifies parenting coordinator's duties as follows:

THE SCOPE OF THE PARENTING COORDINATOR'S DUTIES. THESE MAY INCLUDE ANY OF THE FOLLOWING:

- (i) TRANSPORTATION AND TRANSFERS OF THE CHILD BETWEEN PARENTS.**
- (ii) VACATION AND HOLIDAY SCHEDULES AND IMPLEMENTATION.**
- (iii) DAILY ROUTINES.**
- (iv) ACTIVITIES AND RECREATION.**
- (v) DISCIPLINE.**
- (vi) HEALTH CARE MANAGEMENT, INCLUDING DETERMINING AND RECOMMENDING APPROPRIATE MEDICAL AND MENTAL HEALTH EVALUATION AND TREATMENT, INCLUDING PSYCHOTHERAPY, SUBSTANCE ABUSE AND DOMESTIC VIOLENCE TREATMENT OR COUNSELING, AND PARENTING CLASSES, FOR THE CHILD AND THE PARENTS. THE PARENTING COORDINATOR SHALL DESIGNATE WHETHER ANY RECOMMENDED COUNSELING IS OR IS NOT CONFIDENTIAL. THE PARENTING COORDINATOR CAN RECOMMEND HOW ANY HEALTH CARE PROVIDER IS CHOSEN.**
- (vii) SCHOOL-RELATED ISSUES.**
- (viii) ALTERATIONS IN THE PARENTING SCHEDULE, AS LONG AS THE BASIC TIME-SHARING ARRANGEMENT IS NOT CHANGED BY MORE THAN A SPECIFIED NUMBER OF DAYS PER MONTH.**
- (ix) PHASE IN PROVISION OF COURT ORDERS.**
- (x) PARTICIPATION OF OTHER PERSONS IN PARENTING TIME.**
- (xi) CHILD CARE AND BABYSITTING ISSUES.**
- (xii) ANY OTHER MATTERS SUBMITTED TO THE PARENTING COORDINATOR.**

These proposed duties provide almost unlimited access into the lives of both parent and child. Parenting Coordinators will have court-appointed power to investigate a person's life, explore as much as they please, and get paid by the hour while doing so.

While the bill may be intended to streamline a Judge's docket, or assign "difficult cases" to those with time and energy to probe problems, in so doing, it creates a legislative arm, which has a long and scary reach. Although the intention may be good,

the result, as C. S. Lewis points out, is dangerous, and risks morphing into the “tyranny of the well-intended.”

2. Immunity from Civil Prosecution

That tyranny is nearly predicted when one considers that:

(6) THE PARENTING COORDINATOR IS IMMUNE FROM CIVIL LIABILITY FOR AN INJURY TO A PERSON OR DAMAGE TO PROPERTY IF HE OR SHE IS ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AS PARENTING COORDINATOR.

The idea that someone can make recommendations for another person’s life without risk of legal, or civil consequence, is an offense to both conscience and civility. I submit that the only way to create a healthy system is to have total transparency and strict consequences for self-serving or personal profiteering. However, when immunity from actions is coupled with the power to bill by the hour, the risk of systemic abuse is nearly assured.

3. Monetizing Conflict Resolution

Bill #5082 states:

(C) AN EXPLANATION OF THE COSTS OF THE PARENTING COORDINATOR, AND EACH PARTY'S RESPONSIBILITY FOR THOSE COSTS, INCLUDING ANY REQUIRED RETAINER AND FEES FOR ANY REQUIRED COURT APPEARANCES. THE ORDER MAY INCLUDE A PROVISION ALLOWING THE PARENTING COORDINATOR TO ALLOCATE SPECIFIC COSTS TO 1 PARTY FOR CAUSE.

The stated job of the Parent Coordinator is to resolve conflict. However, the financial incentive creates a venue in which the sooner conflict is resolved, the sooner payment ends. When one considers that divorce is a milieu that incubates conflict, conflict is a virtual certainty. What will suffering parents feel when they learn that the person who is court-ordered to “help” is profiting from their pain?

It must be noted that divorced parents have often committed no crime and are guilty of no pending criminal charges, yet this bill forces them to submit to, and pay someone to monitor their lives. Parenting Coordinators will place parents on virtual probation where one “wrong move,” one indiscretion that offends the Parent Coordinator, can result in further scrutiny, investigations, and, of course, costs. This bill is a punitive measure against families and a financial bonanza for Parent Coordinators.

It is not my intention to suggest professional services should be rendered for “free.” However, it is my experience that the majority of these troubled, upset, and often despondent divorcees are never told that a system dedicated to resolving divorce conflicts, negotiating JODs, and settling custody/parenting disputes already exists. Not once have I ever had a client tell me, “my attorney told me to forgo both arbitration and the GAL because the Friend-of-the-Court does the exact same services for \$3.50 a month.”

That's right. The FOC already does this work for less than four dollars a month. Not \$300.00 dollars an hour for GAL "legal" services. Not \$160.00 an hour for a court-appointed "reunification" therapist. Not a fee-yet-to-be-determined by Parenting Coordinators, but a fixed-priced service offered by trained, accountable, and transparent professionals for less than four dollars per month.

It makes good financial sense for attorneys to support the role of GALs and Parent Coordinators. It also makes good financial sense that in many courts, attorneys trade roles. That is, three attorneys trade roles between defendant, plaintiff, and GAL. Next case, the roles are reversed and the money stays inside the circle. It appears to be a de facto divorce cottage industry that feeds on the broken by withholding information, agreeing to prolong cases, hiding behind privilege, and remaining immune to civil or criminal prosecution.

To make matters worse, when these Attorneys, GALs and Parenting Coordinators demand divorcees receive psychological testing, counseling, or "reunification therapy," insurance will not cover the services because they are not medical matters. Adding financial insult to injury, court-ordered "reunification therapists" work under privileged status and are not prosecutable in legal or civil courts despite any perceived or real wrongdoing. They collect \$160.00 or so an hour, are protect by the court, and have a privileged relationship with the referral source. This creates the potential of "referral-centered therapy" as opposed to client-centered therapy.

In the end, attorneys make money. The GAL makes money. The "reunification therapists" make money; and now the Parent Coordinator will make money. How much money will the PC make? That depends on the level and duration of the conflict. Who defines conflict? The person who collects the money.

Finally, I write these concerns based not only on the inherent problems with this poorly reasoned and over-reaching bill, but because of my experience as a Licensed Master Social Worker. In over twenty years of experience, I have sat with people who believe they are victims of a heartless, profit-driven divorce system where courts, attorneys, GALs, and Reunification Therapists systematically violate their rights, plunder their resources, and exhaust their spirits.

If I were alone my concerns about this bill, I could be dismissed as over-zealous or merely confused. However, there is a growing group of concerned people across the nation who are troubled by the role of the Parenting Coordinator. That group crosses political, religious, and ethnic boundaries. One such advocate is Republican leader Jeb Bush. Regarding the topic of Parent Coordinator in his home state, he wrote.

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While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.

I am concerned that the bill does not adequately protect families as they try to resolve their conflicts.

I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.

I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals.

In closing, I strongly urge you to reject this bill for the aforementioned reasons.

Thank you for your time and attention.

Sincerely,

Richard Anderson, LMSW